

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Susan Russell,

Plaintiff,

v.

Case No. 1:10cv746

Commissioner of Social
Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on April 11, 2012 (Doc. 16).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (16) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Attorney's Fees under the EAJA (Doc. 12) is **GRANTED IN PART** consistent with the opinion by the Magistrate Judge. Subject to any offset permitted by *Astrue v. Ratliff*, 560 U.S. ___, 130 S.Ct. 2521 (2010), the Commissioner shall pay directly to the Plaintiff a fee award of \$7,066.40 unless both parties confirm Plaintiff did not contractually assign any fee award to his attorney and that the Plaintiff owes no debt to the Government. Otherwise, in accordance with any assignment agreement, any fee award shall be paid to Plaintiff's counsel.

IT IS SO ORDERED.

S/Michael R. Barrett
Michael R. Barrett
United States District Judge